

19.09.2025

Item no. DL/9
Court No. 4

Asraf, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WP.ST 197 of 2025**

In the matter of : **BAISHAKHI MONDAL** ...Petitioner
VS.

THE STATE OF WEST BENGAL & ORS. ...Respondents

For the Petitioner :
Mr. Sankha Ghosh
Mr. Biswarup Nandy
Mr. Rajesh Kr. Shah
...Advocates

For the Respondents / State :
Mr. Jahar Lal De, Addl. Govt. Pleader
Mr. Sudipto Panda
...Advocates

1. Affidavit of service filed in Court today is taken on record.
2. Heard the learned advocate for the writ petitioner who was the applicant in OA no.745 of 2022.
3. The applicant being a married daughter was not allowed the benefit of compassionate appointment by the authorities who took into consideration the fact that the applicant had sought divorce after demise of her father, the Government servant who died in harness. The issue was considered by the Tribunal and by order dated 21.05.2024, the OA was disposed of directing consideration of the petitioner's claim

by a speaking order in the light of the Labour Department notification no.419 dated 04.11.2022.

4. The rejection of the petitioner's claim had been quashed by the Tribunal. Thereafter, the applicant moved the Tribunal for initiating contempt proceedings. The contempt proceedings are pending before the Tribunal.
5. During pendency of the contempt proceedings, the learned advocate has filed the present writ petition submitting that the authorities have again rejected the petitioner's claim by a reasoned order dated 19.12.2024.
6. It is submitted that since earlier rejection of the petitioner's claim was quashed by the Tribunal, rejection of the petitioner's claim by the impugned order amounts to contempt.
7. We have gone through the order dated 19.12.2024. Prima facie the order shows consideration of the Labour Department notification no.419 dated 04.11.2022. The fact that the conclusion arising out of such consideration is not to the liking of the writ petitioner, whether it would amount to a contempt or not, is an issue pending before the Tribunal.

8. We are, therefore, not inclined to interfere at this stage.
9. The writ petition is, accordingly, **dismissed**.
10. There shall be no order as to costs.
11. All parties shall act on the basis of server copy of this order duly downloaded from the official website of this Hon'ble High Court.
12. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after complying with all requisite formalities.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)